

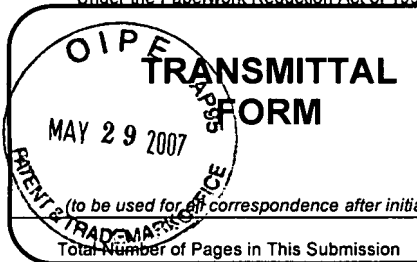
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PTO/SB/21 (07-06)

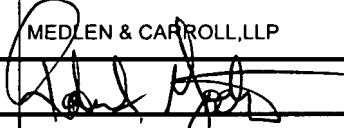
Approved for use through 09/30/2006. OMB 0651-0031

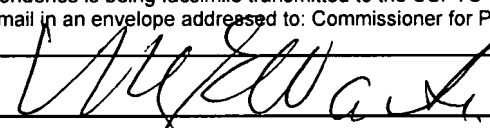
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	Application Number	10/647,361
	Filing Date	08/25/2003
	First Named Inventor	Mark L. Weiss
	Art Unit	1632
	Examiner Name	Thaian Ton
	Attorney Docket Number	KSURF-08401
Total Number of Pages in This Submission		10

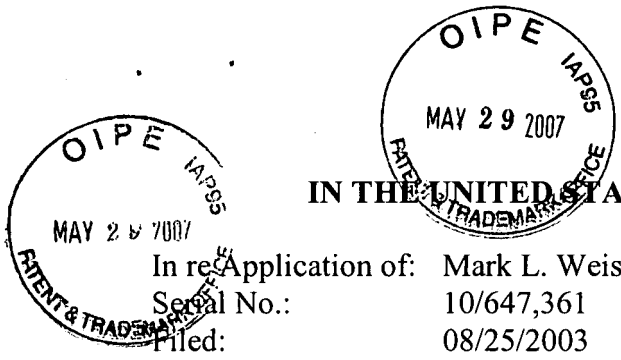
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Request from Examiner
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b> The following communication is a Response to Request from Examiner. Applicant believes no fee is required. If additional fees are necessary, the Applicants hereby authorize the Commissioner of the Patent and Trademark Office to charge Attorney Docket Account No. 08-1290, referencing Attorney Docket No.: KSURF-08401 when charging Attorney Deposit Account.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MEDLEN & CARROLL, LLP		
Signature			
Printed name	Robert A. Goetz		
Date	May 24, 2007	Reg. No.	55,210

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Mary Ellen Waite	Date	May 24, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark L. Weiss  
Serial No.: 10/647,361  
Filed: 08/25/2003  
Entitled:

Group No.: 1632  
Examiner: Thaian Ton

**Cultures, Products and Methods Using Stem Cells**

**RESPONSE TO REQUEST FROM EXAMINER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.	
Date: <u>5-24-07</u>	By: <u>Mary Ellen Waite</u> Mary Ellen Waite

Examiner Ton:

This communication is in Response to Notice of NonCompliant Amendment mailed November 6, 2006. A Response to the Notice of NonCompliant Amendment mailed November 6, 2006 was filed on December 6, 2006. The Applicants received a receipt postcard from the USPTO on December 11, 2006. In a telephone conversation on May 17, 2007 between the Examiner and Robert Goetz, the Examiner requested that the Applicants resend the December 6, 2006 Response as it was never forwarded to her. The Applicants provide a photocopy of the receipt postcard and a photocopy of the Response filed December 6, 2006. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: 5-24-2007

Robert A. Goetz  
Robert A. Goetz  
Registration No. 55,210

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
608.218.6900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I In re Application of: Mark L. Weiss *et al.*

Serial No.: 10/647,361

Filed: 08/25/03

Entitled: Cultures, Products And Methods Using Stem Cells

Group No.: 1632


Examiner: Thaian Ton

AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 2.18(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: December 6, 2006 By:   
Mary Ellen Waite

Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	20	-	49	0	X	50.00	\$0.00
Independent Claims	5	-	9	0	X	200.00	\$0.00

TOTAL DUE \$0.00

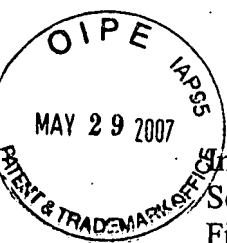
1. No fee is due at this time.
2. Please charge any deficiency in the payment of the required fee(s), including any fees necessary for extensions of time, or credit overpayment, to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: December 6, 2006

By: 

Robert A. Goetz  
Registration No. 55,210

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
608/218-6900



**PATENT**  
Attorney Docket No. **KSURF-08401**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Mark L. Weiss**

Serial No.: **10/647,361**

Filed: **08/25/2003**

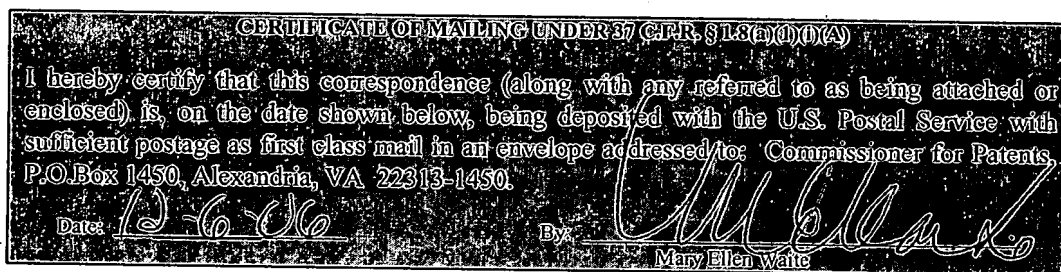
Entitled: **Cultures, Products and Methods Using Stem Cells**

Group No.: **1632**

Examiner: **Thaian Ton**

**RESPONSE TO  
NOTICE OF NONCOMPLIANT AMENDMENT MAILED  
NOVEMBER 6, 2006**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Examiner Ton:

This communication is in Response to Notice of NonCompliant Amendment mailed  
November 6, 2006.



Serial No.: 10/647,361 MC File No.: K-SURF-8401 By: RAG  
In The Matter of the Application Of: WEISS MEW  
Date Mailed: 12-6-06 Due Date: 12-6-06  
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Design Patent Application _____ Pages          | <input type="checkbox"/> Trademark Application                    | <input type="checkbox"/> PCT Application _____ Pages   |
| <input type="checkbox"/> Plant Patent Application _____ Pages           | <input type="checkbox"/> ITU Trademark Application                | <input type="checkbox"/> Parent Appln.: _____  |
| <input type="checkbox"/> Prov. Patent Application _____ Pages           | <input type="checkbox"/> Statement of Use                         | <input type="checkbox"/> Chapter II Demand   |
| <input type="checkbox"/> Utility Patent Application _____ Pages         | <input type="checkbox"/> Trademark Renewal Application            | <input type="checkbox"/> Authorization of Agent  |
| <input type="checkbox"/> DIV <input type="checkbox"/> CONT              | <input type="checkbox"/> Section 8 & 15 Affidavits                | <input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> CIP <input type="checkbox"/> CPA               | <input type="checkbox"/> Specimens _____                          | <input checked="" type="checkbox"/> Certificate of Mailing   |
| <input type="checkbox"/> U.S. Nat'l. Entry <input type="checkbox"/> RCE | <input type="checkbox"/> Declaration/Oath/Affidavits              | <input type="checkbox"/> Cert. of Express Mailing Label No.: _____                                   |
| <input type="checkbox"/> Information Disclosure Statement               | <input type="checkbox"/> Drawings: _____ Sheet(s)                 | <input type="checkbox"/> Check(s): \$ _____  |
| <input type="checkbox"/> Form PTO-1449 w/ _____ Refs.                   | <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input checked="" type="checkbox"/> Deposit Account Auth. No.: 08-1290                               |
| <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts)          | <input type="checkbox"/> Power of Attorney _____                  | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Certificate Re: Sequence Listing               | <input type="checkbox"/> Form PTO-1594/1595                       | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Sequence Listing (Paper Copy and CRF)          | <input type="checkbox"/> Assignment                               | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Req. Under 37 CFR 1.821(e) to Use CRF          | <input type="checkbox"/> Small Entity Declaration                 | <input type="checkbox"/> _____   |
| from Prior Appln.   | <input checked="" type="checkbox"/> Amendment/Response            | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Form PTOL-85B (Issue Fee Transmittal)          | <input type="checkbox"/> Extension of Time Req.: <u>MEW</u>       | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Advance Order: _____ Copies                    | <input type="checkbox"/> Notice of Appeal                         | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Form PTO-1050 (Cert. of Correction)            | <input type="checkbox"/> Appeal Brief                             | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Maintenance Fee Transmittal Form               | <input type="checkbox"/> Petition _____                           | <input type="checkbox"/> _____   |

DEC 11 2006